

countries about months- and years-long waiting lists and denial of care are not cherry-picked scare stories. They are commonplace. People often have to wait months for an MRI or a dental procedure or a hip replacement that they urgently need.

According to a new study by the Fraser Institute, which is a Canadian-based think tank, the average wait time for treatment from a specialist in Canada is 18.3 weeks. That is the average waiting time. Stop and think for a moment. You may have had your physician say, I think you have something very drastically wrong with you and I think you need to see a specialist to confirm whether that diagnosis is true, but you are going to have to wait on average 18 weeks for the specialist to see you.

Some people then say, well, at least everybody in Canada has a doctor. That is also not true. That same study reports that 1.7 million Canadians—and that is out of a country with a population of 33 million—were unable to see a family physician in the year 2007. Let me repeat: 1.7 million people couldn't even see a family doctor, and that number does not include those who have a doctor and are on a waiting list, so add the wait times. The bottom line is that having a government-run plan does not guarantee that everyone will have access to a doctor or to medical care. Indeed, it chokes access.

There are some Canadian doctors who are taking action because of this. Private hospitals are sprouting up all over Canada. Dr. David Gratzner, who is a physician, recently wrote an article in the Wall Street Journal about the story of another physician, Dr. Brian Day of Vancouver. Dr. Day, who is an orthopedic surgeon, grew tired of the government cutbacks that reduced his access to an operating room, while at the same time increasing the number of people waiting to see him. So he opened a private clinic, the Cambie Surgery Center, which employs more than 100 doctors. Public hospitals send him patients because they are too busy to treat them. The New York Times has reported a private clinic is opening each week in Canada.

Think about that. This is in response to a wonderful health care system? No, it is in response to a health care system that denies care to patients.

Opening a private clinic that gives health care access to more people, of course, is a noble thing to do, and I commend Dr. Day, but the success of these clinics also shows that many people who can get out of government-run health care will do so.

Americans do not deserve or want health care that forces them into a government bureaucracy that will delay or deny their care and force them to navigate a web of complex rules and regulations. They want access to high-quality care for their own families and for their neighbors. They want to pick their own doctors, and they do not want Washington to dictate what care

they can and cannot get for their families.

On a personal note, none of us in the Senate or in the gallery or anybody who may be watching us, I suspect, cares more about anything in the world—other than perhaps their own freedom—than the health of their family. If there is a health emergency right now, we will all drop anything we are doing to provide whatever health care is needed for our family. We don't want anybody to stand in the way of that. But the bottom line is that it is inevitable; when government wants to control the cost of providing health care, and it has control, what it will do is to either deny information to people about what options are available, as happens in Germany, for example; delay the care, which is frequently what happens in Canada; or what frequently happens in Great Britain, where they have a board that makes these decisions, they deny the care altogether because it is simply too expensive for what they consider the value you get out of it. For example: If you are over a certain age, then you are not likely to have an operation such as a hip operation or a knee operation. There are other restrictions that apply as well.

We don't want that in America. We don't want the government in Washington saying that because we want to save money, you can't get care. I would also remind folks that the alternative that is being created in Canada—these private clinics—is not available under the one government-run program we have in America—the Medicare system. We also have a veterans' care system. But under Medicare, there is no alternative. You can't have private care. If you are on Medicare, and you go to a doctor who serves Medicare patients, it is against the law for him to treat you and then charge you individually for that. Under Medicare, it is either Medicare or no care. That is the law.

I know because I tried to get it changed. We tried to get something called private contracting, which would be the same as that alternative in Canada—the private clinic. We tried to get that for Medicare, so that if you were not satisfied with what Medicare gave you, and you wanted to speed it up or get a private doctor, even if he charged you whatever amount he charged you, you would have the right to do that. No. What Congress did was to say—in the middle of the night, in a conference committee—that you cannot do that. Only if a doctor says in advance, I will not treat Medicare patients for at least 2 years is he able to provide that care to you.

So we have a perverse incentive. If you want to take care of people outside of Medicare, you have to agree not to treat Medicare patients. And since we have so many physicians deciding not to take Medicare patients, that is the wrong incentive. We should be encouraging them to take more Medicare patients and at least allow the option that people in Canada have.

The bottom line is, Washington-run health care is not a good idea, and Republicans are not going to support legislation that includes Washington-run insurance companies or that gets in between the physician and the patient and interferes with that important relationship to deny or delay care.

The PRESIDING OFFICER. The Senator from New Mexico.

NOMINATION OF HILLARY TOMPKINS

Mr. BINGAMAN. Mr. President, I come to the floor today, as I did on June 2, to urge quick action on the nomination of Hillary Tompkins to be the Solicitor in the Department of the Interior. That is an important job in this country and in the Department of the Interior, and the President has chosen well in choosing Miss Tompkins to be the Solicitor. She has broad experience in natural resource issues. She is extremely well qualified in all respects. She was chief counsel to the Governor of New Mexico, Governor Richardson, until recently, where she demonstrated her ability to lead a team of lawyers in that position and to provide sound legal counsel. So it is unclear to me why anyone would be objecting to her being approved as our Solicitor.

When I came to the floor on June 2, about 8 days ago, and talked about this subject, I asked unanimous consent that we proceed to executive session, that her nomination be confirmed, and that we advise the President of our action and the Senate go back to other business. Senator MCCONNELL, on behalf of the Republican Members in the Senate, objected and said that—I think his specific response was they were still working on this. Let me quote him. He said:

We have not been able to get that nomination cleared yet on this side, but we will be consulting with the Republican colleagues, and at some point let him know whether it is possible to go forward.

I assume the word “him” in that quote refers to me. At any rate, he objected. That was disappointing. But I am even more disappointed to announce or to call attention to the fact that we still are not able to clear Miss Tompkins for this important position. I think it is unfair to her, I think it is unfair to our former colleague, now Secretary of the Interior Salazar, who needs a capable person in this position. We should not be standing in the way of that occurring. I think his ability to serve the people of the country will be improved by having a good solicitor in that office and we should get on with the job of confirming that nomination.

At the time I was urging action on her nomination before, I was advised that there were two Senators who had objections. Senator COBURN had put a hold on the nominee because of concerns of one kind or another—I don't know the specifics—and I believe Senator BUNNING had concerns as well. I have now been advised that both of

those Senators have withdrawn their holds and are now satisfied.

Senator BUNNING had written a letter to Secretary Salazar raising concerns about coal mining and mountaintop-removal-related issues. Secretary Salazar responded to that letter on June 4. As I understand it, Senator COBURN also wrote. His letter was to Miss Tompkins, raising questions about whether she was in fact committed to enforcing the law when she was the Solicitor. She wrote him back and said she is clearly committed to enforcing the law, which of course would be part of her oath of office.

Based on those exchanges of letters, I am informed that both Senator BUNNING and Senator COBURN are satisfied that her nomination can go forward at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence between those two Senators and Secretary Salazar and the nominee Hillary Tompkins, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. BINGAMAN. Those concerns have been resolved. I am not clear as to what the continued problem is, why we cannot get this nomination cleared. I raise it at this point. I put people on notice, or the Senate on notice, if we are not able to get it cleared I will once again come to the floor and ask unanimous consent later this week for us to proceed to executive session and to confirm that nomination.

I think this is a highly irregular process to just hold someone hostage for some totally unrelated concern which she has no ability to control. If there were some problem with this nominee, if there were some objection to her qualifications, clearly that would be a different matter. But as far as I know there is no objection to her qualifications. There is no problem with this nominee or any statements she has made or any action she has taken. On that ground, I think we need to move quickly to confirm her nomination. I hope my colleagues will agree and will allow that to happen later today.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 3, 2009.

HILARY TOMPKINS,
Department of the Interior,
Washington, DC.

DEAR MS. TOMPKINS: As you know, on May 22, 2009, President Obama signed into law the Protecting Americans from Violent Crime Act. This act was overwhelmingly approved in a bipartisan fashion in both the Senate and the House of Representatives as an amendment to the Credit Card Accountability Responsibility and Disclosure Act of 2009, and will take effect in February, 2010.

The act states, "The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and
(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located."

Forty-eight states protect the rights of their residents to carry a concealed weapon. Properly implemented, the Protecting Americans from Violent Crime Act should, for the first time, also protect the individual's right to carry and possess firearms in all national parks and wildlife refuges, in accordance with state and federal law.

As Solicitor of the Department of the Interior, will you commit to ensuring the law is implemented in a way that robustly protects the rights of law-abiding gun owners, as Congress clearly intended? Will you also commit to vigorously defend this law against hostile litigation?

Thank you for your desire to serve our great country. I look forward to receiving your response by Friday, June 5, 2009.

Sincerely,

TOM COBURN,
U.S. Senator.

June 5, 2009.

Hon. TOM COBURN, M.D.
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: Thank you for your letter of June 3, 2009, containing questions to me that relate to the Protecting Americans from Violent Crime Act, which was included in Public Law 111-24 and will take effect in February 2010.

Following the enactment of Public Law 111-24, the Secretary announced that the Department would follow Congress's directive and implement the new law when it takes effect. If confirmed as Solicitor, I will be duty-bound to uphold and defend the Constitution and laws of the United States, including this particular law.

With regard to defending this law against legal challenges, the Attorney General of the United States is charged by statute with representing the United States in all legal matters. If confirmed, I will commit to working closely with the Department of Justice in connection with any defense of this Act and all other federal laws.

Sincerely,

HILARY C. TOMPKINS.

U.S. SENATE,
Washington, DC, June 4, 2009.

Mr. KEN SALAZAR,
Secretary, Department Of Interior,
Washington, DC.

DEAR MR. SALAZAR: I am writing to express my continued concern about the Department of Interior's decision to reverse its stream buffer zone policy and ask the Department of Justice to file a plea with the U.S. District Court requesting that the current rule be vacated. Coal mining is a top energy issue to the Commonwealth of Kentucky and consequently I have an extreme interest in the stream buffer zone rule.

Aside from striking a balance between environmental protections, the now abandoned rule clarified a long standing dispute over how the Surface Mining law should be applied. Issuance of the rule represented the culmination of a seven year process that was thorough and well vetted. While I appreciate the comments that you and other members of the Department of the Interior have made regarding the importance of the role of our coal mining communities in our national energy landscape, I also believe that nearly a decade of examination of this issue should not be overturned lightly.

I respectfully ask for your full commitment to work with me as DOI determines

how it will resolve the stream buffer zone matter. I further ask for a prompt written reply to this request. I appreciate your consideration and look forward to hearing from you. Please feel free to contact Sarah Timoney, of my staff, at 202-224-4343 should you have any questions.

Best personal regards,

JIM BUNNING,
United States Senator.

THE SECRETARY OF THE INTERIOR,
Washington, June 4, 2009.

Hon. JIM BUNNING,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUNNING: Thank you for your letter dated June 4, 2009, regarding the lawsuit surrounding the Office of Surface Mining Reclamation and Enforcement's Stream Buffer Zone regulation.

The matter is currently in litigation. We have asked the Court to take action that will allow the 1983 Reagan Administration rule to continue in force in all of the states that have delegated authority under the Surface Mining Control and Reclamation Act. Kentucky, along with most states, currently follows the 1983 rule.

I will ensure that there is an opportunity for public input on the potential development of a comprehensive new stream buffer zone rule that would update and clarify the 1983 rule. We will keep you informed of our progress in this matter and welcome your suggestions.

As I have said many times, we must responsibly develop conventional energy sources, including coal, in order to achieve greater energy independence. I look forward to working together to achieve these goals.

Sincerely,

KEN SALAZAR.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PIPELINE SAFETY DAY

Mrs. MURRAY. Mr. President, this morning I rise to remind all of us of a promise our government has made to the American people. It is an unspoken trust that certain things in our lives and communities are taken care of, that we don't have to think much about because we trust our government to keep us safe.

I think most Americans turn on the tap each day and expect the water they drink to be safe, and they probably do not think a lot about it. We expect if there is an emergency we will be able to pick up the phone and dial 9-1-1 and someone will answer and send help to us.

That is exactly what the people who lived in Bellingham, WA, used to think about oil and gas pipelines, if they thought about them at all. But all of our senses of safety and innocence were shattered 10 years ago today when tragedy struck for three families, and an entire community came together to